

## Remarks

Reconsideration of the rejections set forth in the Office Action dated March 15, 2006 is respectfully requested. Claims 1-35 are currently pending. Claims 27-36 have been allowed. Claims 2, 3, 12, 13, 18, 19, 23, and 24 have been objected to. Claims 1, 4-11, 14-17, 20-22, 25, and 26 have been rejected.

### Allowable Subject Matter

The Examiner has indicated that claims 27-36 have been allowed. The Examiner has also indicated that claims 2, 3, 12, 13, 18, 19, 23, and 24 contain allowable subject matter, and would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. The Applicants believe that the independent claims from which claims 2, 3, 12, 13, 18, 19, 23, and 24 depend are each allowable over the cited art. As such, the Applicants have not rewritten claims 2, 3, 12, 13, 18, 19, 23, and 24 in independent form at this time.

### Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1, 4, 6, 9-11, 14, 17, 21, 22, and 26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,636,482 issued to Cloonan et al. (herein after “Cloonan”). Claims 5, 7, 8, 15, 16, 20, and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloonan in view of U.S. Patent No. 6,963,931 issued to Bunn et al. (herein after “Bunn”).

#### *1. Independent claims 1, 17, and their respective dependents*

Independent claim 1 recites a method for forwarding a packet that includes destination information and source information. The method involves determining a first value using the destination information and the source information included in the packet.

The Examiner has argued that Cloonan teaches the limitations of claim 1. The Applicants respectfully disagree. Cloonan describes that minimum and maximum bandwidth requirements may be determined for each subscriber (Cloonan, column 7 at lines 23-25), and that the minimum and maximum bandwidth is associated with a particular cable modem (Cloonan, column 7 at lines 27-29). A Connection Admission Control (CAC) determines the amount of bandwidth available on an upstream channel a subscriber is requesting by considering present capacity, as well as the minimum and maximum bandwidth (Cloonan, column 7 at lines 45-61).

It is respectfully submitted that Cloonan does not disclose using destination information and source information to determine any value. The passage of Cloonan cited by the Examiner appears to indicate that the Examiner believes that an amount of bandwidth is a “first value” determined using destination information and source information included in a packet. Cloonan does not disclose destination information and source information included in a packet. Further, it is noted that claim 1 recites that a first value is one of a predetermined set of values. The only predetermined set of values disclosed by Cloonan appear to be a minimum bandwidth and a maximum bandwidth (though the Applicants submit that even these values are not “predetermined”), and the minimum bandwidth and the maximum bandwidth are not determined using destination and source information. As Cloonan does not disclose determining a first value associated with a packet using destination and source information, claim 1 is believed to be allowable over Cloonan for at least this reason.

Claims 2-10 each depend either directly or indirectly from independent claim 1 and are, therefore, each believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record. By way of example, the Examiner has already indicated that claims 2 and 3 contain allowable subject matter.

Independent claim 17 recites similar limitations as recited in independent claim 1. Therefore, independent claim 17 and the claims which depend from independent claim 17 are each believed to be allowable over the cited art for at least the reasons set forth above.

2. *Independent claims 11, 22, and their respective dependents*

Independent claim 11 recites a method for forwarding packets upstream from a subscriber unit to a central access point. The method includes identifying a number (N) of available service flows, sending a first packet on a first service flow, and sending an Nth packet on an Nth service flow.

The Examiner has argued that Cloonan discloses sending a first packet on a first service flow, and an Nth packet on an Nth service flow. In the passages of Cloonan cited by the Examiner on page 3 of the Office Action dated March 15, 2006, Cloonan appears to discuss determining bandwidth, and scheduling data flows. There is no teaching, however, the data flows are scheduled such that a first packet is sent on a first service flow and an Nth packet is sent on an Nth service flow. Cloonan appears at best to disclose that data service flows may be scheduled, but does not appear to teach how scheduling over N service flows is achieved. It is respectfully submitted that Cloonan fails to teach, or even reasonably suggest, that packets are sent such that when there are N service flows, a first packet is sent on a first service flow and an Nth packet is sent on an Nth service flow. Accordingly, claim 11 and its dependents are each believed to be allowable over the cited art for at least this reason.

Independent claim 22 recites similar limitations as recited in independent claim 11. As such, independent claim 22 and its dependents are each believed to be allowable over the cited art for at least the reasons set forth above.

## Conclusion

For at least the foregoing reasons, the Applicants believe all claims now pending in this application are in condition for allowance. The Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes a telephone conference would expedite prosecution of this application, please contact the undersigned.

Respectfully submitted,

Aka Chan LLP

/Peggy A. Su/

Peggy A. Su  
Reg. No. 39,626

Aka Chan LLP  
900 Lafayette Street, Suite 710  
Santa Clara, CA 95050  
Tel: (408) 701-0035  
Fax: (408) 608-1599  
E-mail: [peggy@akachanlaw.com](mailto:peggy@akachanlaw.com)